

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

As discussed with Dr. Chang on July 17th and August 8, 2003, the applicant respectfully requests an interview in this case in order to resolve any remaining issues.

Claims 1-20 and 22-24 were previously pending in the application. By way of this amendment, dependent claims 25-28 have been added, to further define the invention and claim 23 has been cancelled. These dependent claims are supported by, for example, the third full paragraph on page 5 of the as-filed application. The changes to claims 1, 19, and 22 are supported by, for example, as-filed claim 18. The only change to claim 7 is the indentation of the last two paragraphs. Accordingly, no new matter has been added. Thus claims 1-20, 22, and 24-28 are pending for consideration.

The Applicant appreciates the Examiner's withdrawal of the previous 112, first paragraph, rejection.

The amendment filed January 9, 2003 is objected to because it allegedly introduces new matter into the disclosure. Claims 1-18, 19-20, and 22-23 stand rejected under section 112, first paragraph, as not satisfying the enablement and written description requirements. Claim 24 also stands rejected based on enablement.

In response, Claims 1, 19, and 22 have been amended for clarity. It is respectfully submitted that these amendments render the objection and rejections moot.

In connection with Claim 24, the office action states that the specification failed to teach how the same focal point can be achieved with light in the DUV and IR range "when the objective **only** has a penultimate lens element." However, Claim 24 does not require that the objective have only a penultimate lens element. The word "only" is not in Claim 24 and, in addition, Claim 24 expressly requires a plurality of lens elements. Furthermore, because Claim 24 uses the open-ended preamble "comprising" the Claim expressly permits additional elements.

Claims 19 to 20 and 22-23 stand rejected under section 112, second paragraph, as being indefinite. By way of this amendment, claim 19 has been amended to recite that the auto focus system provides light as opposed to a wavelength. Please note that auto focus systems may generate light as discussed with respect to Figure 15 from the bottom of page 11 to the top of page 12. Claim 22 has been amended for clarity.

Claims 1, 2, 5, 6, 17 through 18, 19 through 20, and 24 stand rejected under section 103 as being unpatentable over Hayashi '255 in view of Hecht. The office action states that Figure 4 of Hayashi '255 discloses a penultimate lens element 23 having a biconcave configuration with the object side radius being smaller than the image-side radius. This rejection is respectfully traversed for at least the following reasons.

As explained in the first and fourth full paragraphs of column 6 of Hayashi, the radius of curvature of the surface on the object side (the left side of Figure 4) is larger than the radius of curvature on the non-object side. Accordingly, Hayashi is completely opposite from the claimed invention.

For at least this reason, it is respectfully submitted that all of the claims are clearly patentable.

The Examiner is invited to contact the undersigned by telephone if there is anything the undersigned can do to expedite prosecution of the application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 11, 2003

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

By

A handwritten signature in black ink, appearing to be "Glenn Law", written over a horizontal line.

Glenn Law
Attorney for Applicant
Registration No. 34,371